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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/935,779 | 08/24/2001 | Frampton E. Ellis | P 0274516 GNC22US | 9048 |

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DLA PIPER RUDNICK GRAY CARY US LLP
P. O. BOX 9271
RESTON, VA 20195

| EXAMINER | |
|---|---|
| DINH, DUNG C | |
| **ART UNIT** | **PAPER NUMBER** |
| 2152 | |

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/935,779 | ELLIS, FRAMPTON E. | |
| | Examiner | Art Unit | |
| | Dung Dinh | 2152 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-36 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *see detail action*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

**DETAILED ACTION**

The IDS filed 8/24/01, 1/25/02, 3/12/04, and 8/12/04 have been considered and attached to this action.

Claims 1-36 are pending for examination.

***Claim Rejections - Double Patenting***

The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985) *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims 35 and 36 are rejected under the judicially created doctrine of obviousness double patenting over claims 1-83 of US patent 6,167,428.**

The subject matters claimed in the instant application are claimed in the patent as follows:

| Present application | Patent 6,167,428 |
|---|---|

| Claim 35: A apparatus comprising: | Claim 1: ... a firewall for said |
|---|---|
| a plurality of inner firewalls configured to operate within a personal computer | personal computer to limit access ... |
| said personal computer includes at least two microprocessors; | at least one of said computers including at least two microprocessors ... |
| said plurality of inner firewalls configured to deny access to at least a first microprocessor... | said firewall denies access by said network to at least one of said microprocessors ... |
| said plurality of inner firewalls configured to allow access to at least a second microprocessor ... | said firewall permitting access by the network to said slave microprocessor. |

The patent does not claim 'plurality of inner firewalls'. However, it would have been obvious to provide plural firewalls because it would have provided redundancy and increased reliability and security.

The same rationale for obviousness double patenting applies to independent claim 36 of the present application. The patent claim 20 claimed denying access to memory component.

**Claims 35 and 36 are provisionally rejected under the judicially created doctrine of obviousness double patenting over claims 52-54 of US Application 09/669,730.**

Although not identical, claim 35 recites the same limitations as the limitation of claim 52 of the 09/669,730 application.

Although not identical, claim 36 recites the same limitations as the limitation of claims 52+55 of the 09/669,730 application.

This is a provisional rejection because the application is not yet patented.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

**Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Baratloo et al. "Charlotte: Metacomputing on the Web".**

The specification does not have a definition of the term 'firewall'. For the rejection below, the term 'firewall' is interpreted to be a protection mechanism that can permit or deny access. An "inner firewall" is interpreted as a protection mechanism inside of a computer system.

As per claim 1, Baratloo teaches an apparatus comprising:

a plurality of firewalls configured to operate in a network of personal computers; (The Operating System, and Charlotte memory protection mechanism, see Abstract item 3, page2 col.1 "Dynamic execution environment" usage of Java, and page 4 col.1 section 3.4 'private' and 'shared' segments)

the personal computer including at least one microprocessor and at least two memory (shared and private);

the plurality of firewalls being configured to deny access to at least a first memory (private) and to allow access to a second memory (shared) during said shared operation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been*

*obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

**Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberry US patent 5,349,682 and further in view of**

**Hagersten et al. US patent 5,862,357;**

**Hortensius et al. US patent 5,917,629;**

**Chen, US patent 5,809,190; and**

Slater, "The Microprocessor Today."

Rosenberry teaches a network system for shared processing.

Hagersten teaches to protect local memory from access by other processing system to prevent corruption local storage. [see abstract]. Hence, it would have been obvious for one of ordinary skill in the art to provide Rosenberry with a firewall to protect certain memory hardware and permit access to other memory hardware because it would have prevent unauthorized access and corruption of nonshared memory and thereby improved the security of the personal computer being used for shared processing.

Hortensius discloses a system for integrate a wireless network with a wired network. Hortensius discloses that wireless local area network which facilitate direct coupling of to PC's are

well known in the art at the time of the invention [see col.1 lines 21-25]. It would have been obvious for one of ordinary skill in the art to use wireless network system such as that taught by Hortensius because it would have provided low cost mobile computers connection and compatibility with wired network [Hortensius col. lines 19-36].

Chen discloses that DWDM raises the communication capacity to 2.5 Gb/s without additional construction to the telecommunication infrastructure. Hence, it would have been obvious for one of ordinary skill in the art to use DWDM because it would have provide high communication bandwidth.

Slater discusses the state of the art of microprocessor design in 1996. Slater discloses reducing system cost by integrating more functions on a chip and microprocessors are evolving toward system on a chip. Slater teaches to integrate video, graphic and other component with the microprocessor. (See pages 42-43). Hence, it would have been obvious for one of ordinary skill in the art at the time of the invention to integrate various components of a PC together because it would have provided a PC in a compact package and reduced manufacturing cost. Slater further discloses uses of microprocessor in video games, automobile, and other consumer electronics.

Therefore the references together teaches:

For claim 1, Rosenberry discloses a system comprising:

at least two personal computers [col.3 lines 7-28];

means for providing network services including shared computer processing to be provided to said at least two personal computers within said network [col.3 lines 29-45];

means for at least one of the computer, when idled by a personal user to be made available temporarily to provide said shared computer processing to said network [col.3 lines 50-59].

Rosenberry does not specifically disclose a firewall for denying access to a first memory hardware and permitting access to a second memory hardware.

In similar field of invention of sharing resources, Hagersten teaches to protect local memory from access by other processing system to prevent corruption local storage. [see abstract]. Hence, it would have been obvious for one of ordinary skill in the art to provide Rosenberry with a firewall to protect certain memory hardware and permit access to other memory hardware because it would have prevent unauthorized access and corruption of nonshared memory and thereby improved the security of the personal computer being used for shared processing. It would have been obvious for one of ordinary skill in the art to have plurality of firewalls because it would

have improved the reliability of the system by providing redundancy.

As per the various limitations recited in claims 4-34, they are apparent or would have been an obvious variation from the teaching of Rosenberry and the references cited. The motivation for combining the references are as stated prior.

***Allowable Subject Matter***

Claims 35 and 36 are allowed. The prior art does not teach a firewall configured to deny access to a first microprocessor and permit access to a second microprocessor of the personal computer by other computer on the network during a shared operation.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Friday from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dung Dinh
Primary Examiner
October 11, 2005